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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,326	12/29/1999	THOMAS J. FOTH	E-977	2120
919	7590	03/26/2004	EXAMINER	
PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			BACKER, FIRMIN	
		ART UNIT		PAPER NUMBER
		3621		
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/474,326	FOTH ET AL. <i>NH</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 February 2004.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. .	6) <input type="checkbox"/> Other: _____ .

***Response to Arguments***

1 In view of the appeal brief filed on February 12<sup>th</sup>, 2004, PROSECUTION IS HEREBY REOPENED. A new action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3       Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Simmons et al (U.S. PG Pub No. 2001/0039659 A1).

4       As per claims 1 and 8, Simmons et al teach a method for using a computer to facilitate a transaction between a merchant (*content provider, 6<sub>1</sub>-6<sub>n</sub>*) and a buyer (*home user, 7<sub>1</sub>-7<sub>n</sub>*) comprising downloading into the computer a digital content file of the merchant (*enabling content providers to download requested media files to the user*), the digital content file including a header with information related to purchasing a digital content product (*the transaction is characterized by a procedure which debits a user's payment account and credits a content provider's receipt account*) and the digital content product in encoded form (*Encoded media files are then dynamically encrypted by the content provider site and downloaded directly to the requesting player/receiver*) (see fig 1, paragraphs 0005, 0018, 0022, 0035, 0045), and using the computer for reading the downloaded header displaying at least some of the information related to purchasing the digital content product (*receiving media directory that contains other information, such as the provider of the media, its current pricing, use terms and other related data*) while concurrently downloading the encoded digital content product into the computer (see paragraphs 0045, 0046).

5       As per claim 2, Simmons et al teach a method comprising inputting a request to purchase the digital content product into the computer, outputting from the computer the request to purchase to a broker computer, receiving at the computer from the broker computer a key for decoding the encoded digital content product in response to the request to purchase, and using

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the key at the computer to decode the encoded digital content product while concurrently displaying the decoded digital content product (*see paragraphs 0044*).

6 As per claims 3, Simmons et al teach a method comprising concurrently downloading the encoded digital content product into the computer while decoding the encoded digital content product and displaying the decoded digital content product (*see paragraphs 0018*).

7 As per claims 4, Simmons et al teach a method for using a computer by a broker (*transaction server site 10*) to encrypt digital content product files of a merchant (*content provider, 6<sub>1</sub>-6<sub>n</sub>*) that are hosted at a merchant web site (*content provider sites 6<sub>1</sub>-6<sub>n</sub>*) (*see fig 1, paragraph 0035*) comprising of inputting into the computer the digital content product files designated for encryption together with the web site location of the digital content product files and information required to access the digital content product files (*media server locates the requested file in storage means and provides it to the encryptor for encryption*) via the computer (*see paragraph 0040*), connecting (*connecting*) to the web site and accessing and encrypting the digital content product files designated for encryption and storing the encrypted digital content product files at the web site (*see paragraphs 0040, 0041, 0042*).

8 As per claims 5, Simmons et al teach a method further comprising inputting into the computer a location at the web site where each of the encrypted digital content product files are to be stored, and storing the encrypted digital content product files at the location (*see paragraphs 0042*).

9 As per claims 6, Simmons et al teach a method comprising using the computer to create a buyer product file for each encrypted digital content product file, the buyer product file including the encrypted digital content product file and a header having information about the digital content product for use by a buyer in making a decision on whether to purchase the digital content product (*see paragraphs 0045, 0046*).

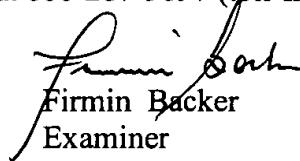
10 As per claims 7, Simmons et al teach a method for distributing from a first computer (*content provider, 6,-6,*) digital content products for purchase, the method comprising encrypting a first digital content product file; statically storing the encrypted first digital content product file at the computer, storing a second digital content product file in unencrypted form at the computer; and inputting a request into the first computer for downloading from the first computer to a second computer at least one of the encrypted first digital content product file and the second digital content product file, wherein at times when the request is for the encrypted first digital content product file downloading the first encrypted digital content file to a second computer, and at times when the request is for the second digital content product file dynamically encrypting the second digital content product file while maintaining the storing of the second digital content product file in unencrypted form (*see fig 1, paragraphs 0005, 0018, 0022, 0035, 0045*).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Examiner  
Art Unit 3621

March 23, 2004